IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2815 OF 2005

IN

FIRST APPEAL NO. 1175 OF 2005

VILAS ANANT RANE ..APPELLANT

V/S

MAHADEV ANANT RANE & ORS. ..RESPONDENTS

S.S. REDEKAR FOR THE APPELLANT.

NIRANJAN SHIMPI FOR RESPONDENT NO.1.

A.M. SARAOGI FOR RESPONDENT NO.3.

CORAM : S.K. SHAH, J.

DATE : 12TH APRIL, 2007.

P.C.

1. This application is for seeking appointment as agent of the Receiver to manage the business run in the premises.

2. The original suit was filed by the applicant for simplicitor injunction claiming to put in possession of the premises and the business. During the pendency of the suit the Court Receiver came to be appointed. The suit has now been decided and suit is

dismissed. It is against the dismissal of the suit, the Appeal was filed. In this Appeal the appointment of Court Receiver is continued. The Receiver has appointed the Respondent No. 1 as his agent.

3. Now the Applicant says that the appointment of Receiver be by rotation. What is pertinent to note is that the suit is for simplicitor injunction without claiming any declaration as to the right to the premises or business. In such an eventuality this application cannot be entertained. The application is rejected.

(S.K. SHAH, J.)